

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

WASTE MANAGEMENT OF NEW JERSEY, INC.,

Plaintiff,

vs.

TEAMSTERS-EMPLOYERS LOCAL 945 PENSION FUND and TRUSTEES OF TEAMSTERS-EMPLOYERS LOCAL 945 PENSION FUND,

Defendants.

Civil Action No. 10-cv-3984  
(FSH)(PS)

**FINAL JUDGMENT**

This matter having come before the Court on the application of Plaintiff Waste Management of New Jersey, Inc. for a preliminary injunction, and the Court having issued an Order on October 5, 2010 (Docket Entry 36) granting Plaintiff's application, and the parties having advised the Court that entry of this Final Judgment will conclude all issues in this case, and, in accordance with the provisions of Federal Rule of Civil Procedure 58,

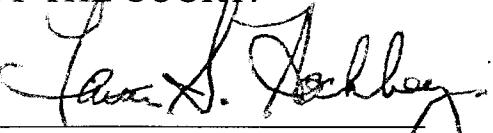
On this 5<sup>th</sup> day of May, 2011, IT IS HEREBY ORDERED as follows:

1. Defendants are permanently enjoined from arbitrating the delinquent contributions dispute pursuant to the 2009 Resolution.

2. The withdrawal liability dispute will be adjudicated according to the procedures outlined in the Multiemployer Pension Plan Amendments Act (MPPAA). This Final Judgment shall not prohibit or otherwise affect any challenge by Defendants to the timeliness of Plaintiff's initiation of withdrawal liability arbitration.

3. Any factual findings made in the delinquent contributions dispute before Arbitrator Wellington J. Davis, Jr. will be considered *de novo* by the MPPAA arbitrator in any withdrawal liability dispute between the parties and will not have any collateral estoppel effect.

BY THE COURT:

  
\_\_\_\_\_  
Hochberg, J.  
Hon. Faith S. Hochberg, U.S.D.J.

The Clerk of the Court is directed to close the case.